



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3260 of 2018

K. NAGAMUTHU

... PETITIONER/ACCUSED (A1)

Vs

THE STATE OF TAMILNADU
THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT
IN CRIME NO. 36/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

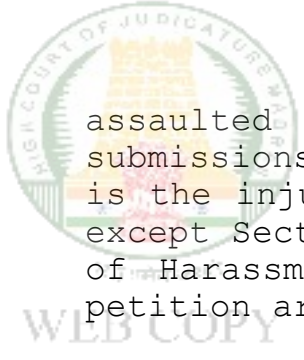
The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 324 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act in Crime No.36 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on 16.02.2018 when the defacto complainant standing in front of his home with his relatives, the petitioner along with his son entered into a quarrel and assaulted the defacto complainant and his wife, thereby they have sustained injury and admitted in the hospital. Hence, he lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that he is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the injured persons discharged from the hospital. According to him, investigation is still pending.

5.The submissions made on either side are considered. It is alleged that during the time of occurrence, the petitioner herein



assaulted the defacto complainant and caused injury to him. Now, submissions made by the learned Government Advocate (Criminal Side) is the injured was discharged from the hospital. Apart from that, except Section 506 (ii) IPC. and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, the other offences mentioned in the petition are bailable in nature.

6. Taking all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation of the petitioner may not be necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police, daily at 10.00 a.m. for a period of three weeks and thereafter as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
01/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION, RAMANATHAPURAM DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.3342

ORDER

IN

CRL OP(MD) No.3260 of 2018

Date :01/03/2018

SMA/PM-PN/SAR-4/09.03.2018:3P/6C